IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 5TH SEPTEMBER 2007 / 14TH BHADRA 1929

WA.No. 2174 of 2007

(*AGAINST THE JUDGEMENT IN WPC.25917/2007 Dated 24/08/2007*)

APPELLANT/PETITIONER:

PRAVEENA C.JOSEPH, AGED 29 YEARS,
S/O.LATE LUCKA JOSEPH, CHEMPALAYIL HOUSE,
POOZHIKOL P.O., KADUTHURUTHY, KOTTAYAM DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS/RESPONDENTS:
---

1. THE TAHSILDAR,
MEENACHIL TALUK OFFICE, PALA,
KOTTAYAM DISTRICT.

2. THE DISTRICT COLLECTOR,
KOTTAYAM.

BY SR. GOVERNMENT PLEADER SHRI T.B. HOOD.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 05/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

.....

W.A. No. 2174 OF 2007

.....

Dated this the 5th September , 2007

J U D G M E N T

H.L. Dattu, C.J.:

This appeal arises out of the order passed by the learned single Judge in W.P.(C) No. 25917 of 2007 dated 24th August, 2007. By the impugned order, the learned single Judge has directed the second respondent-District Collector, Kottayam to get the value of the vehicle assessed by a competent officer and intimate the same to the petitioner. It is further directed that the petitioner shall thereupon deposit an amount of Rs.25,000/- and also furnish bank guarantee for the value of the vehicle as intimated by the second respondent-District Collector. Apart from this, the learned single Judge has also directed the petitioner not to alienate or otherwise part with the possession of the vehicle until the second respondent-District Collector passes final orders in the matter.

2. Learned counsel appearing for the appellant would submit that the conditions imposed by the learned single Judge is contrary to the provisions of the Kerala Protection of River Banks & Regulation of Removal of Sand Act, 2001 read with the Rules 2002(hereinafter referred to as Act and the Rules). Therefore, this court should interfere with the orders passed by the learned single Judge, the learned counsel submits. Apart from the above submissions,

the learned counsel for the appellant would submit that under the Act and the Rules, the District Collector is expected to dispose of Ext.P3 within a particular time frame. Since that has not been done, appropriate directions may be issued to the second respondent -District Collector, it is submitted

3. Per contra, learned Government Pleader brings to our notice that the Act and the Rules are both in Malayalam and English languages. The translated version of the Act and the Rules framed thereunder in English language is not appropriate when compared to the Act and the Rules framed thereunder in Malayalam language, learned Government Pleader submits. It is further submitted that the Act and the Rules framed in the Malayalam language would prevail over the translated version of the same in English language. Apart from this, the learned Government Pleader would submit that there is no impediment for the District Collector to decide Exts.P3 as contemplated in the Malayalam version of the Act and the Rules .

4. In the present case, the first contention canvassed by the learned counsel for the petitioner need not be considered by us, since the learned counsel requests us to direct the second respondent-District Collector, Kottayam to decide Ext.P3 within a particular time frame as stipulated under the Act and the Rules.

5. In view of the above, we do not intend to go into the merits or de-merits of the first contention canvassed by the learned counsel for the appellant. That contention is left open, to be agitated in appropriate

proceedings.

6. The Act and the Rules contemplate that the District Collector, on getting information about the seizure of the vehicle for an offence under the provisions of the Act and the Rules, is expected to decide the same within seven days from the date of Ext.P2 mahazar. Since that has not been done in the instant case from the date of Ext. P2, necessarily an appropriate direction requires to be issued. Accordingly the following:

O R D E R

i) The Writ Appeal is disposed of.

ii) Without going into the merits or de-merits of the contentions canvassed by the learned counsel for the appellant, now the District Collector is directed to dispose of Ext.P3 within seven days from today and thereafter intimate the same to the petitioner within three days.

iii) All other contentions of both the parties are left open.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

lk